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Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)	Docket No. 128834-2 JFL
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In Re Application Of: Keith M. Borst et al.

Application No. 10/638,094	Filing Date 08/07/2003	Examiner Xu, Ling X.	Customer No. 23413	Group Art Unit 1775	Confirmation No. 3383
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Invention: DATA STORAGE MEDIUM AND METHOD FOR THE PREPARATION THEREOF
09/06/2005 HDEMESS2 00000012 10638094
SEP 09 2005 03 FC:1453 1500.00 OP
PATENT & TRADEMARK OFFICE

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

09/06/2005 HDEMESS2 00000012 10638094

1400.00 OP
300.00 OP

1. A proposed reply to the above-identified notice or action:

is enclosed. was filed on _____

The proposed reply is in the form of: RCE; IDS

2. The issue fee:

is enclosed. was paid on _____

3. The abandoned application was a:

design application. utility application. plant application.

4. A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Invention: **DATA STORAGE MEDIUM AND METHOD FOR THE PREPARATION THEREOF**

Calculation and Payment of Fees

Enclosed are the following fees:

6. Petition fee under 37 CFR 1.17(m) in the amount of: **\$1,500.00**

7. Fee for amendment in the amount of: _____

8. Fee for extension of time to respond to Office Action in the amount of: _____

9. Issue fee in the amount of: **\$1,400.00**

10. Continuing application filing fee in the amount of: _____

11. Terminal disclaimer fee in the amount of: _____

12. **Publication Fee of \$300; RCE Fee of \$790** **\$1,090.00**

Total fees enclosed: **\$3,990.00**

The fee of **\$3,990** is to be paid as follows:

A check in the amount of the fee is enclosed.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **06-1130**

Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Invention: **DATA STORAGE MEDIUM AND METHOD FOR THE PREPARATION THEREOF**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

Dated: **August 30, 2005**

J. Michael Buchanan
Registration No. 44,571
Customer No. 23413
Telephone No. 860-286-2929

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

8/30/2005

(Date)



Signature of Person Mailing Correspondence

Rebecca L. Blake

Typed or Printed Name of Person Mailing Correspondence

CC:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): Keith M. Borst et al.

Docket No.

128834-2

Application No.

10/638,094

Filing Date

08/07/2003

Examiner

Xu, Ling X.

Customer No.

23413

Group Art Unit

1775

Invention: DATA STORAGE MEDIUM AND METHOD FOR THE PREPARATION THEREOF

SEP 02 2005



I hereby certify that this **Petition for Revival of an Application for Patent Abandoned Unintentionally**
(Identify type of correspondence)

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope
addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on
August 30, 2005

(Date)

Rebecca L. Blake

(Typed or Printed Name of Person Mailing Correspondence)

A handwritten signature of Rebecca L. Blake.

(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

Form PTO-2038 (1 pg)

Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (3 pgs)

Issue Fee Transmittal (1 pg)

Request for Continued Examination (1 pg)

Transmittal of Information Disclosure Statement (2 pgs)

Form 1449 (1 pg)

Copies of CA 2099852, CA 2099854, and International Search Report PCT/US2004/024850